

REMARKS/ARGUMENTS

Claims 1-23, 41, 42, 44 and 67-76 are pending in this application, and stand rejected. No claims are amended, canceled, or added by this paper.

Applicant respectfully requests reconsideration of the application in view of the following remarks and attached documents.

Claim Rejection

The Office Action has rejected claims 1-23, 41, 42, and 67-76 as being allegedly based upon a defective reissue declaration under 35 U.S.C. § 251, and requires a supplemental declaration under 37 C.F.R. § 1.175(b)(1).

A Supplemental Declaration for Reissue Patent Application to Correct “Errors” Statement is attached. Applicant respectfully disagrees that the most recent amendment, which merely canceled unallowed claims, should have resulted in the need for a new Declaration, but has submitted the attached Declaration to expedite allowance of this application.

The attached Declaration is not signed by the inventor as required by 37 C.F.R. § 1.172. Applicant previously petitioned the Office, by papers filed on June 27, 2008, to waive 37 C.F.R. § 1.172 in light of the inventor’s refusal to sign a similar Declaration. That petition was granted July 8, 2008, and a Declaration filed June 27, 2008, signed by an officer of the Assignee, was accepted “as though it was signed by the inventor.” Applicant has been informed by Examiner Tran that the waiver of 37 C.F.R. § 1.172 is still in effect, so that a new Declaration signed by an authorized officer of the Assignee will be accepted without the need for an additional petition.

The signer of the June 27, 2008 Declaration, Scott Jaglowitz, is no longer an officer of the Assignee. The enclosed Declaration is accordingly signed by Gael Mourant, the Chief Executive Office of the Assignee. A Statement Under 37 C.F.R. § 3.73(b) is also attached, setting forth the appropriate chain of Title and indicating that Ms. Mourant is authorized to act on behalf of the Assignee.

Appl. No. 09/374,598
Amdt. dated July 20, 2010
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3637

PATENT

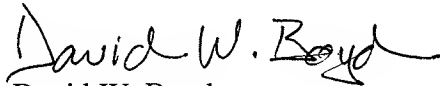
CONCLUSION

It is Applicant's understanding that the application is otherwise in condition for allowance, and that a Notice of Allowance will issue promptly after receipt of the attached Declaration. Such action is respectfully requested.

Applicant believes no fee is due for this filing. However, if any fee is due, the Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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Attachments
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